

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Patrick A. Carlone,

Civil No. 16-4273 (DWF/SER)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

City of St. Paul,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Steven E. Rau dated September 13, 2017. (Doc. No. 27.) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Steven E. Rau's September 13, 2017 Report and Recommendation (Doc. No. [27]) is **ADOPTED**.
2. **IT IS HEREBY ORDERED** that Defendant City of St. Paul's Motion to Dismiss (Doc. No. [10]) is **GRANTED in part** and **DENIED in part** as described in the Report and Recommendation, and this case is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 5, 2017

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge